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Docket No.: 826.1581

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kazuo TANAGUCHI, et al.

Serial No. 09/461,335

Group Art Unit: 2672

Confirmation No. 3674

Filed: December 15, 1999

Examiner: S. WALLACE

For: FIGURE SELECTION METHOD, FIGURE SELECTION DEVICE, AND STORAGE
MEDIUM STORING FIGURE SELECTION PROGRAM

RECEIVED

OCT 31 2002

OFFICE OF PETITIONS

RECEIVED

JUN 2 - 2003

RECEIVED

NOV 05 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Technology Center 2600

Sir:

**PETITION TO WITHDRAW ABANDONMENT BASED ON FAILURE TO
RECEIVE OFFICE ACTION OR IN THE ALTERNATIVE UNDER 37 CFR § 1.137(A) AND
REQUEST FOR REMAILING OF OFFICE ACTION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to *Delgar v. Shulyer*, 172 USPQ 513 (D.D.C. 1971), Applicants hereby petition to withdraw the holding of abandonment. A Notice of Abandonment dated November 1, 2002, was received by the Applicants' representative on October 8, 2002. The Notice of ~~October~~ Abandonment indicates that abandonment occurred due to failure to respond to the Office letter mailed on February 13, 2002.

No response was filed because the February 13, 2002, Office letter was never received. To establish non-receipt of the February 13, 2002, Office letter, the undersigned hereby states and attests that searches of the file jacket and docket records were made. The February 13, 2002, Office letter was not found in the file jacket and no indication of receipt of the February 13, 2002, Office letter was found in the docket records.

As to the docket records, enclosed is a printout from the computer docketing system used by Applicants' representative. Referring to page 1 of the docket record Patent Information

Print under the section entitled Actions, there is an entry for the filing of the application. The next entry in the docket record (see page 2) is the Notice of Abandonment, which was received on May 13, 2002. If received, the May 18, 2001 Office letter would have been docketed between the filing and the Notice of Abandonment entries. As can be seen, there is no such docket entry. Additionally, an Incoming Mail Log is maintained in the docket records listing all office letters received by the mail date. A copy of this log for the mail date of February 13, 2002 is attached and it does not include a log entry for the Office letter.

The Office is also requested to remail the Office letter thereby restarting the period for response.

If this Petition is not granted, Applicants request revival of the application under 37 C.F.R. § 1.137(a) for the reasons set forth above. No response to the February 13, 2002, Office letter is submitted herewith, because having not received the February 13, 2002, Office letter, the response required is unknown.

Referring to M.P.E.P. § 711.03(c), it is believed that no fee is necessary for this petition. Please charge any required fee to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 10/29/2

By: J. Randall Beckers

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Docket No 0826.1581
Country United States
Case Type Regular
Relation Typ Original Filing
Filing Type National
Filing Numbe
Client Ref N 990567

Billing Atto J. Randall Beckers
Original Att J. Randall Beckers
Client\Divis OSUGA & ASSOCIATES
Assignee No. FUJITSU LIMITED
Assignee No. NO ASSIGNEE
Foreign Agen
Oper Grp

Status Filed
Sub Stat Application Received
Priority Cou Japan
Prior Appln 10-357646
Total Claims 15

Prio Filing 12/16/1998
Sub Stat Dt 12/14/1999
Parent Filin 12/16/1998
Prio Issued
Ind. Claims 3

Serial # 09/461,335 3674
Patent No
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Entity Statu
Conv Type

Filing Date 12/15/1999
Issued Dt
Publication
Expiration D
Tax Base Dt
Next Tax Dt

Customer SNPP
Assignee No.
Assignee No.
Party #3
Party #4
Party #5
Party #6
Party #7
Party #8
Add Prio Fil
Record Date

Verified N
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Code #2
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Record Date

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Assig 1 Reel 010467/0261
Assig 2 Reel
Intrntl Clas

U.S. Class
No. of Pages 2
Grp Art Unit 2772

Client Refer 990567

String

Create Dt 12/13/1999
Update Dt 10/9/2002

Update User JDB
Update Tm 9:57 AM

** Actions **

Action Application Filed
Act Due Date 12/16/1999
Inst Recvd D
Last Resp At

DeadLn Dt 12/16/1999
Comp Dt 12/15/1999
Patent Proof

Act Notes FEE TRANSMITTAL, ASSIGNMENT RECORD COVER SHEET, ASSIGNMENT,
PRIORITY DOCUMENT, W/CK \$800.00****

Action Notice of Abandonment

Act Due Date 10/1/2002

DeadLn Dt

Inst Recvd D

Comp Dt

10/8/2002

Last Resp At

Patent Proof

Act Notes PER NO RESP TO O.A. MAILED 2-13-02 *

Action Pet to Revive Appln

Act Due Date 11/1/2002

DeadLn Dt

Inst Recvd D

Comp Dt

Last Resp At

Patent Proof

Action No Foreign Filing Needed

Act Due Date

DeadLn Dt

Inst Recvd D

Comp Dt

Last Resp At

Patent Proof

Action Filing Receipt ?

Act Due Date

DeadLn Dt

Inst Recvd D

Comp Dt

2/3/2000

Last Resp At

Patent Proof

** Inventors **

Inventor

Inv Cd 1

Inv Cd 2

Assigned

Inv Dt

Real #1

Real #2

Inv Name

TANAGUCHI, KAZUO

Text #2

Inventor

Inv Cd 1

Inv Cd 2

Assigned

Inv Dt

Real #1

Real #2

Inv Name

INOUE, TAKUYA

Text #2

** Title **

Title FIGURE SELECTION METHOD, FIGURE SELECTION DEVICE, AND STORAGE
MEDIUM STORING
FIGURE SELECTION PROGRAM

** Fax/Express Log **

Trans Type OUT

Comments 12-14-99 1 PG NEW APPL.

Trans Type OUT

Comments 12-15-99 1 PG REF. APPL.

PATENTS INCOMING MAIL LOG PER ACTION MAIL DATE
10/23/2002

Docket No.	Action Received	Mail Date	Date Recvd	App No	Attorney
0021.1924	Restriction Mail Date	2/13/2002	2/19/2002	09/336,706 7969	JIM
0023.1084	Office Action Mailed Date	2/13/2002	2/21/2002	09/273,455 7154	WFH
0122.1406	Office Action Mailed Date	2/13/2002	2/19/2002	09/548,735	EB
0174.1130	PTO Commnctn Recvd	2/13/2002	2/28/2002	07/953,974	JDH
0392.1708	Office Action Mailed Date	2/13/2002	2/19/2002	09/809,111 8916	WFH
0522.1950DC	PTO Commnctn Recvd	2/13/2002	2/28/2002	08/638,200	MDS
0725.1139	Office Action Mailed Date	2/13/2002	2/21/2002	09/706,857 8555	DMP
0826.1772	PTO Commnctn Recvd	2/13/2002	2/20/2002	09/994,792 8381	JRB
1023.1001CIPD2	Office Action Mailed Date	2/13/2002	2/21/2002	09/033,004 1551	PJS/JRB
1046.1204	Office Action Mailed Date	2/13/2002	2/20/2002	09/451,446 9077	GMG
1081.1072	Final Rejection Mail Dt	2/13/2002	2/21/2002	09/127,600 1444	MJB
1083.1061	Office Action Mailed Date	2/13/2002	2/21/2002	09/106,896 7326	MJB
1095.1134	Office Action Mailed Date	2/13/2002	2/19/2002	09/663,706 4399	MJB
1186.1011	Office Action Mailed Date	2/13/2002	2/19/2002	09/596,061 2531	PJS
1316.1026	Final Rejection Mail Dt	2/13/2002	2/20/2002	09/144,639 5043	MJB
1317.1051	Office Action Mailed Date	2/13/2002	2/19/2002	09/208,015 7553	EB
1317.1051	PTO Commnctn Recvd	2/13/2002	2/20/2002	09/208,015 7553	EB
1359.1022	Office Action Mailed Date	2/13/2002	2/19/2002	09/477,403 9194	HJS
1379.1010	Notice of Allowance Mail Date	2/13/2002	3/13/2002	09/685,478	MJH
1419.1053	Office Action Mailed Date	2/13/2002	2/19/2002	09/854,690 8111	WFH
1425.1001	Office Action Mailed Date	2/13/2002	2/19/2002	09/276,789 2625	PJS
1454.1131	Office Action Mailed Date	2/13/2002	2/26/2002	09/355,812	MJH
1466.1032	Office Action Mailed Date	2/13/2002	2/21/2002	09/809,112 2717	STB
1529.1061	Office Action Mailed Date	2/13/2002	2/13/2002	09/711,055 6072	MDS
1529.1063	Office Action Mailed Date	2/13/2002	2/13/2002	09/710,593 5109	MDS
1549.1001	Restriction Mail Date	2/13/2002	2/19/2002	09/644,215 1731	JIM
1593.1002	Notice Miss Parts Mail Dt	2/13/2002	2/19/2002	10/050,897 5849	DMP
1614.1177	Office Action Mailed Date	2/13/2002	2/19/2002	09/915,591 8195	WFH
